

HOUSE BILL 3331
By Phelan

AN ACT to recreate the Trenton special school district located in Gibson County; to consolidate applicable provisions of Chapter 144 of the Private Acts of 1975, and all acts amendatory or supplemental thereto, with respect to the Trenton special school district into a single act; and, to ratify prior actions by or on behalf of the Trenton special school district.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Creation and Boundaries. The Trenton special school district, heretofore created by and existing pursuant to Chapter 144 of the Private Acts of 1975, as amended and supplemented, is hereby recreated and reestablished and shall cover and include the 7th Civil district and parts of the 16th, 20th, 3rd, 21st, 11th, 12th and 18th Civil districts of Gibson County, Tennessee, and shall be known as the "Trenton special school district", and shall have boundaries as follows:

Beginning at a point of the intersection of the Humboldt-Gibson Wells Road and the Edison-Motley (Koffman) Road; thence north with the Edison-Motley Road to the intersection of the Fruitland-Edison Road; thence east with the Fruitland-Edison Road to the intersection of the Fruitland-Edison Road with U.S. Highway 45 W; thence east with Fruitland and Gibson Road to the Eldad Road; thence with the Eldad Road north to the Sedberry Road; thence east with the Sedberry Road to its intersection with the Jim Jackson Road; thence north with the Jim Jackson Road to the Gibson-Trenton Road; thence northeast to the junction of the Airport Road and State Highway No. 104; thence east on Highway No. 104 to the junction of the Concord Road; thence north with the Concord Road to its intersection with the Cades Road; thence west with

Cades Road to the junction of the Cades Road with the Laneview-Concord Road; thence northwest with the Laneview-Concord Road to the intersection of Highway No. 54; thence with Kinsey Road to the junction of Skipp Barton Road; thence west with the Barton Road to its junction with Goad and Grier's Chapel Road; thence west with Grier's Chapel Road to the junction of U.S. Highway 45 W; thence westerly with a diagonal line to the point in the Forked Deer River at a point in Albert Burch's northwest corner; thence south with Albert Burch's west line in a southerly direction to the bend in the Gum Woods Road as it runs in a southerly direction toward Highway 104; thence west with Gum Woods Road as it meanders to Highway 104 at the intersection of Roberts Road; thence south with Roberts Road to its intersection with the Old Trenton-Eaton Road; thence east with Old Trenton-Eaton Road to its intersection with Brazil-Elliott Store Road; thence south with the Brazil-Elliott Store Road to its intersection with the Frog Jump-Brazil Road; thence east with the Frog Jump-Brazil Road to the point of its junction with Highway 54, thence south with Highway 54 to its junction with the Humboldt-Gibson Wells Road; thence eastward with the Humboldt-Gibson Wells Road to the point of beginning.

SECTION 2. Board of Trustees. The Trenton special school district shall be governed by a board of trustees of five (5) members, a majority of whom shall constitute a quorum for the transaction of business. The five (5) members of the board of trustees shall be elected by the qualified voters residing in the special school district; provided that two (2) members of the board shall reside in that portion of the district lying outside of the city limits of Trenton; one (1) member of the board may be a real property owner or a resident within the city limits of Trenton; and two (2) members of the board shall reside within that portion of the district lying in the city limits of Trenton.

Members of the board shall serve terms of four (4) years and until their successors shall be elected and qualified as herein provided. Currently serving members of the board of trustees shall remain in office for the remainder of their respective current terms and until their

successors shall be elected and qualified. The staggered terms of members of the board of trustees heretofore established shall be maintained and continued.

Members of the board shall be elected at general elections held pursuant to the general election laws. Each resident of the entire district otherwise qualified shall be eligible to vote in each election of one (1) or more members of the board.

In the event of a vacancy of the board of trustees, the remaining members of the board shall fill the vacancy by appointment, such appointee to complete the remainder of the term for the vacated office; provided, however, that in filling such vacancy, the member appointed shall reside in the area designed in this act wherein the predecessor trustee resided.

SECTION 3. Officers; Superintendent. The Trenton special school district shall have as its officers a president, vice-president, secretary and treasurer/fiscal agent, each of whom shall be a member of the board of trustees and a resident of the district. Said officers shall be elected by the affirmative vote of a majority of the entire membership board and shall serve until their successors shall be elected and qualified. Currently serving officers of the special school district shall remain in office until their successors shall be elected and qualified.

The board of trustees shall employ a superintendent of schools who shall serve as the chief operating and administrative officer of the district. The contract of the current superintendent shall not be hereby impaired.

SECTION 4. Compensation of Trustees; Bond of Treasurer/Fiscal Agent. The members of the board of trustees shall serve without compensation. The treasurer/fiscal agent shall enter into bond, with some solvent surety company, authorized to do business in Tennessee, in an amount to be fixed by the board, which bond shall be payable to the state of Tennessee, for the use and benefit of Trenton special school district, and conditioned to account for and pay over all funds of the district that come into the hands of such treasurer/fiscal agent; the cost of the bond to be paid out of the administration fund of the district.

SECTION 5. Powers of Board of Trustees. The board of trustees shall have general power and control over all of the schools operated by the district and the buildings and other

property, real and personal, of the district and shall have the power to lease or rent any buildings or grounds for the use of the district and to dispose of any property belonging to the district which is no longer needed or is to be replaced. The board shall further have general supervision over the employment of teachers, the fixing of their compensation, and such other powers as are pertinent to the board of education, and is expressly authorized to cooperate with and coordinate the activities of the district with the county board of education.

SECTION 6. Bonds and Other Debt Obligations.

(a) The board of trustees may, by resolution duly adopted by a majority of the entire membership of such board, authorize and issue from time to time notes, bonds and other debt obligations, including bond anticipation notes, in such principal amounts, maturing at such times not to exceed thirty (30) years from their date of issue, and bearing interest at such rates as may be determined by the board, for the purposes for which the district was created and for the refinancing or refunding of existing debt obligations whether or not the same be fully defeased.

(b) Such bonds, notes or other obligations shall be issued in fully registered form and shall be sold at competitive public sale or at private negotiated sale, as determined by the board, for not less than ninety-seven percent (97%) of par value for the entire issue or series thereof plus accrued interest, if any, thereon; provided, however, if any part of such issue or series are to be sold at a zero percent (0%) rate of interest or at an original issue discount, such part may be sold at not less than ninety-seven percent (97%) of the original reoffering price of such discount obligations plus accrued interest, if any, thereon.

(c) in issuing notes, bonds and other debt obligations pursuant hereto, the district shall comply, to the extent not inconsistent herewith, with all applicable procedures and requirements of the Local Government Public Obligations Act of 1986, as amended (the "act") (currently codified as Title 9, Chapter 21, Tennessee Code Annotated) or the comparable provisions of any successor act. For the purpose of determining the applicability of various provisions of the act, the district shall be considered a "local government", its board of trustees shall be considered its "governing body", and all notes, bonds and other debt obligations of the district

which are payable from or secured, in whole or in part, by a pledge of revenues derived from taxes levied by the general assembly against taxable real and/or personal property within the boundaries of the district shall be considered "revenue obligations" of the district.

(d) Notes, bonds and other debt obligations of the district issued pursuant to the authority hereof and the income therefrom shall be exempt from all state, county and municipal taxation in the state of Tennessee except for inheritance, transfer and estate taxes, and except as otherwise provided by general law.

(e) Notwithstanding the contrary provisions of any other provision hereof or of the act, notes, bonds and other debt obligations of the district may not be issued hereunder in anticipation of an increase in the tax rate on taxable property within the boundaries of the district.

(f) The proceeds of sale of any bonds hereunder shall be collected by the treasurer/fiscal agent and shall be disbursed only upon order of the board of trustees by check or voucher signed by the treasurer/fiscal agent and countersigned by the superintendent.

SECTION 7. Taxable Property List. The tax assessor of Gibson County shall continue to prepare and maintain a separate and complete list or book of all taxable property, real and personal, within the district, and furnish same to the county trustee for use in making collection of taxes, and the assessment shall be set up on the general tax books of the county clerk of Gibson County.

SECTION 8. Tax Levy and Collection; Procedures.

(a) For the purpose of supporting and maintaining the schools of the Trenton special school district, for supplementing the school funds for the district to provide for expenses of administration, current operating expenses, fixed charges, retirement of bonds and debt obligations heretofore or hereafter issued, and the transportation of students within the district, there shall be and hereby is levied a tax of one dollar eighty-nine cents (\$1.89) [the current rate based upon reappraisal adjustment of the previously levied rate two dollars seven cents (\$2.07)] on each one hundred dollars (\$100.00) of assessed valuation for all real and personal property

in the Trenton special school district as such assessed value appears on the tax records of Gibson County for each respective year.

(b) The tax assessor of Gibson County shall prepare and maintain a separate and complete list or book of all taxable property, real and personal, within the district, and furnish same to the county trustee, for his use in making collection of said taxes.

(c) All taxes assessed hereby are to be a lien upon the real and personal property within the district, and shall become due and delinquent as and when county taxes become due and delinquent.

(d) The taxes herein assessed shall become due and collected at the same time and in the same manner as taxes are collected under the general laws of the state by the Gibson County trustee. The funds received by the trustee of Gibson County as a result of this tax shall be paid over to the treasurer/fiscal agent of the district and shall constitute a portion of the school funds for the district, which funds shall be under the control of the board and be used by them for the purposes for which the district was created. The treasurer/fiscal agent shall segregate the funds necessary to pay the principal and interest on bonds or other debt heretofore or hereafter issued, which funds shall be kept separate from the other funds. No funds of the district shall be disbursed except by check or voucher signed by the treasurer/fiscal agent and countersigned by the superintendent.

(e) All taxes collected by the county trustee under the provisions of this act shall be paid over to the treasurer/fiscal agent, who shall segregate the amounts so received into an administrative fund and one (1) or more debt service funds. The amount so set apart into the administrative fund shall be kept separate from the funds for the payment of debt service. No part of the administrative fund or any debts service fund shall be disbursed except upon order of the board. No funds of the district shall be disbursed except by check or voucher signed by the treasurer/fiscal agent and countersigned by the superintendent upon order of the board.

(f) The provisions of this section shall be valid notwithstanding any other provision of the law to the contrary including, but not limited to, the provisions of Tennessee Code Annotated, Title 2.

SECTION 9. Contracts and Agreements with Other Governments. The board of trustees is hereby authorized and empowered to make contracts and agreements with any and all agencies and instrumentalities of the federal government or of the state of Tennessee, including but not limited to Gibson County and any one (1) or more municipalities within Gibson County, with reference to the procurement of funds for the purposes of this act, and to this end, may, if necessary, or if deemed expedient, sell, transfer or assign bonds issued hereunder to any agency or instrumentality of the government of the United States or of the state of Tennessee; or to make any other lawful financial arrangements with either of these governments, or their agencies or instrumentalities, which the board may deem necessary or expedient.

SECTION 10. Repeal of Inconsistent Provisions. All provisions of Chapter 144 of the Private Acts of 1975, as amended by Chapter 178 of the Private Acts of 1977, Chapters 336 and 337 of the Private Acts of 1980, Chapters 167 and 183 of the Private Acts of 1981, Chapter 340 of the Private Acts of 1982, Chapter 251 of the Private Acts of 1984, Chapter 136 of the Private Acts of 1986, Chapter 107 of the Private Acts of 1989, Chapter 54 of the Private Acts of 1995, and all other acts amendatory thereto, which are inconsistent or in conflict with the provisions hereof are hereby repealed to the extent of such inconsistency or conflict; provided, however, no contracts, agreements, bonds, notes or other binding undertakings heretofore entered into by the Trenton special school district, including but not limited to its Limited Tax School Bonds, Series 1995, shall be impaired or invalidated hereby and all such contracts, agreements, bonds, notes and other binding undertakings are hereby approved, ratified and validated.

SECTION 11. Captions for Convenience Only. The captions of the various sections hereof are included herein only for convenience of reference and shall not be, or be deemed or construed to be, indicative of legislative intent with respect to any provision of this act.

SECTION 12. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 13. Effective Date. This act shall take effect on becoming a law, the public welfare requiring it.

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